

1
2
3
4 MICHAEL JAY DEMARTINI, et al.,
5 Plaintiffs,
6 v.
7 THOMAS CHRISTOPHER JOHNS, et al.,
8 Defendants.

9 Case No. 12-cv-03929-JCS
10
11

**ORDER GRANTING MOTION TO
ALTER OR AMEND JUDGMENT**

Re: Dkt. No. 88

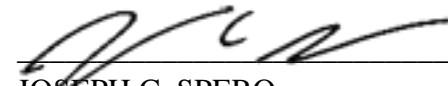
12
13 On November 13, 2015, the Court granted the DeMartinis' Petition to Confirm Award of
14 Arbitrator and Enter Judgment and ordered that “[j]udgment shall be entered in favor of the
15 DeMartinis on the July 30, 2014 Malpractice Award in the amount of \$177,100.00 plus
16 prejudgment interest from June 30, 2011 at the California statutory rate.” Docket No. 86.
17 Defendants now ask the Court to amend the judgment pursuant to Rule 59(e) of the Federal Rules
18 of Civil Procedure to reflect that starting date for the prejudgment interest calculation should be
19 July 30, 2014 rather than June 30, 2011. *See* Docket No. 88 (“Motion”). Having reviewed the
20 parties’ briefs and relevant law, the Court finds that the date stated in its previous order and
21 judgment is clearly erroneous and therefore GRANTS the Motion. *See Turner v. Burlington N.*
22 *Santa Fe R. Co.*, 338 F.3d 1058, 1063 (9th Cir. 2003) (holding that a motion to alter or amend
23 judgment under Rule 59(e) should be granted where “necessary to correct manifest errors of law
24 or fact upon which the judgment is based”). The correct starting date for calculating prejudgment
25 interest on an arbitration award is the date of the award itself. *See* Cal. Civ. Code section 3287(a).
26 The DeMartinis have not pointed to any authority that would permit an award of prejudgment
27 interest that predates the arbitration award and the Court finds none.

28 The motion hearing scheduled for **January 8, 2016** at 9:30 am is **vacated**. The Clerk is

1 instructed to enter an amended judgment in favor of the DeMartinis on the July 30, 2014
2 Malpractice Award in the amount of \$177,100.00 plus prejudgment interest from July 30, 2014 at
3 the California statutory rate.

4 **IT IS SO ORDERED.**

5 Dated: December 22, 2015

6
7 
8 JOSEPH C. SPERO
9 Chief Magistrate Judge

10
11 United States District Court
12 Northern District of California
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28